

March 7, 2016

West Des Moines City Council Proceedings
Monday, March 7, 2016

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, March 7, 2016 at 5:30 PM. Council members present were: R. Messerschmidt, J. Sandager, K. Trevillyan, and R. Trimble.

City Clerk Ryan Jacobson stated staff recommends an amendment to agenda Item 6(d) Conveyance of Property, as the property should have been referred to as Street Lot J, as opposed to Outlot S.

On Item 1. Agenda. It was moved by Messerschmidt, second by Trimble approve the agenda as amended.

Vote 16-067: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 2. Public Forum: No one came forward.

On Item 3. Council/Manager/Other Entities Reports:

Council member Sandager reported the Development and Planning Subcommittee met and discussed deferrals for Businessolver.com's property, a possible deep well to be constructed by WDM Water Works in Holiday Park, and how to address potential erosion issues in the Majestic Oaks and Sugar Creek developments.

Council member Messerschmidt reported the Public Works Subcommittee met and discussed how to address traffic issues at the intersection of Jordan Creek Parkway and University Avenue.

Mayor Gaer reported the Des Moines Metropolitan Planning Organization (MPO) has notified the City that, due to the increased 2015 special census population, the City of West Des Moines is being granted an additional seat on the MPO Policy Committee.

On Item 4. Consent Agenda.

Council members pulled Item 4(h) for discussion. It was moved by Trimble, second by Messerschmidt to approve the consent agenda as amended.

- a. Approval of Minutes of February 22, 2016 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:

March 7, 2016

1. Coach's Pizza, LLC d/b/a Coach's Pizza, 560 South Prairie View Drive - Class LC Liquor License with Sunday Sales, Outdoor Service, and Catering Privileges - Renewal
2. Git N Go Convenience Stores, Inc. d/b/a Git N Go Convenience Store #4, 1325 Grand Avenue - Class BC Beer Permit with Sunday Sales - Renewal
3. Hy-Vee, Inc. d/b/a Hy-Vee Gas #4, 665 South 51st Street - Class BC Beer Permit with Sunday Sales - Renewal
4. JLS Vending, Inc. d/b/a The Oasis, 2500 Grand Avenue (softball complex) - Class BB Beer Permit with Sunday Sales and Outdoor Service Privileges - Renewal
5. W West Investments, LLC d/b/a Wellman's West, 597 Market Street - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
6. W West Investments, LLC d/b/a Wellman's West Rooftop, 597 Market Street (Rooftop) - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
7. W2005/Fargo Hotels (Pool C) Realty, LP d/b/a West Des Moines Residence Inn, 160 South Jordan Creek Parkway - Special Class C Liquor License - Renewal
- d. Approval of Reappointments - Bicycle Advisory Commission
- e. Approval to Purchase - Fire Department Class "A" Fire Engine
- f. Approval of Grant Applications - WDM Human Services:
 1. Polk County Community Betterment Grant
 2. Sammons Financial Group
- g. Approval of Grant Contract - Iowa Department of Agriculture and Land Stewardship Water Quality Initiative Grant - Woodland Hills Park Water Quality Improvements
- i. Approval of Professional Services Agreement - Woodland Hills Greenway Trail
- j. Approval of Amendment #1 to Professional Services Agreement - Miscellaneous Land Surveying Services
- k. Approval of Change Order #3 - 2015 PCC Patching Program Phase I
- l. Approval of Special Assessments - Nuisance Abatements (Sidewalks)
- m. Acceptance of Bids with City of Clive - University Avenue HMA Resurfacing, I-35 to 22nd Street
- n. Order Construction:
 1. Intersection Improvements - 50th Street and Stonebridge Road Traffic Signal
 2. 88th Street Trail Connection
 3. Holiday Park Girls Softball Improvements
- o. Approval of Professional Services Agreement - Valley Junction Alleys, Phase 5
- p. Approval of Gas Main Relocation Agreement with Mid-American Energy - South 88th Street Improvements Project
- q. Approval of IEDA Economic Development Assistance Contract - INTL FC Stone
- r. Approval and Acceptance of Purchase Agreements, Deed, and Easements:
 1. South 60th Street Improvements Project
 2. South 88th Street Improvements Project

March 7, 2016

Vote 16-068: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 4(h) Approval of Agreement - "Art on the Trail"

Council member Sandager requested additional background information on this item.

Gary Scott, Director of Parks and Recreation, stated the proposed five sculptures will be 18 feet tall and will be installed along the Jordan Creek trail. He also presented models of what each of the sculptures will look like. He noted the contract calls for the sculptures to be installed by October 31, 2016, and there is an online poll available to the public on the City website to determine what five animals will be included with the sculptures.

It was moved by Sandager, second by Trevillyan to approve Item 4(h) Approval of Agreement - "Art on the Trail".

Vote 16-069: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 5(a) 2016-17 FY Hotel/Motel Tax Allocations, initiated by the City of West Des Moines

It was moved by Messerschmidt, second by Trimble to adopt Motion - Approval of Subcommittee Recommendation.

Council member Sandager inquired about the amount of funds being allocated for public art.

Gary Scott, Director of Parks and Recreation, responded there is currently a sufficient balance of approximately \$400,000 for public art projects, so the proposed allocation this year is being reduced to \$120,000, however the Public Arts Advisory Commission is not yet ready to fully fund their projects through fundraising.

Council member Trevillyan stated he would like to evaluate the policy on how hotel/motel tax funds are allocated. He also expressed concerns about the allocation toward the Greater Des Moines Convention and Visitors Bureau, as he noted their promotional materials emphasize many events in Des Moines while excluding many events in West Des Moines.

Vote 16-070: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(a) Amendment to City Code - Title 4 (Health and Safety Regulations), Chapter 4 (Nuisances) and Title 9 (Zoning), Chapter 10 (Performance Standards) and Chapter 14 (Accessory Structures) - Establish Regulations Pertaining to Solar Energy Systems, initiated by

March 7, 2016

the City of West Des Moines (Continued from December 14, 2015, January 11, 2016, and February 8, 2016)

It was moved by Trimble, second by Sandager to adopt Motion - Continue Public Hearing to April 18, 2016.

Vote 16-071: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(b) Amendment to City Code - Title 9 (Zoning), Chapter 2 (Zoning Rules and Definitions), Chapter 6 (Commercial, Office, and Industrial Zoning District), Chapter 10 (Performance Standards), and Chapter 15 (Off-Street Parking and Loading) - Establish Standards and Regulations Related to Indoor Self-Storage or Mini-Warehousing Facilities, initiated by the City of West Des Moines (Continued from January 26, 2016 and February 8, 2016)

Mayor Gaer suggested this item be continued two weeks to allow time for the Plan and Zoning Commission discussion to be transcribed in the minutes and obtain a legal opinion from City Attorney Scieszinski and also to ensure the full Council will be present for the public hearing and discussion on this item.

It was moved by Sandager, second by Trimble to adopt Motion - Continue Public Hearing to March 21, 2016

Vote 16-072: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Amendment to City Code - Title 9 (Zoning), Chapter 5 (Agricultural/Open Space and Residential Zoning Districts) and Chapter 10 (Performance Standards) - Amend City Code to Allow SIC 0279-9901: Apiary (Bee and Honey Farm/Beekeeping) as a Permitted Use in All Single Family Residential and Manufactured Housing Zoning Districts and Add Language to City Code Identifying Specific Regulations and Requirements for Beekeeping Operating Under SIC 0290-9901, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on February 18, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 4-0, with three members absent, the Plan and Zoning Commission recommended City Council approval of the ordinance amendment and a number of correspondences were received from the public and were included with the Council communication, as well as one additional correspondence received today which was placed on the dais.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

March 7, 2016

It was moved by Sandager, second by Trevillyan to consider the first reading of the ordinance.

Vote 16-073: Messerschmidt, Sandager, Trevillyan..... 3 yes
Trimble..... 1 no

Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Trevillyan to approve the first reading of the ordinance.

Vote 16-074: Messerschmidt, Sandager, Trevillyan..... 3 yes
Trimble..... 1 no

Motion carried.

On Item 6(d) Mayor Gaer indicated this was the time and place for a public hearing to consider Street Lot J, Corrected Michael's Landing Plat 1 - Conveyance of Property, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on March 2, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trevillyan, second by Sandager to adopt Resolution - Approval of Conveyance of Property.

Vote 16-075: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(e) Mayor Gaer indicated this was the time and place for a public hearing to consider 2016 PCC Reconstruction Program, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on February 26, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Sandager, second by Trimble to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to Concrete Technologies, Inc.

March 7, 2016

Vote 16-076: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(f) Mayor Gaer indicated this was the time and place for a public hearing to consider 2014 Street Rehabilitation Sidewalk Ramp Program, initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on February 26, 2016 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Messerschmidt, second by Sandager to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and Resolution - Award Contract to McGreger Corporation.

Vote 16-077: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(a) Eldorado Estates Plat 1, 1450 South Jordan Creek Parkway - Subdivide Property into 14 Lots for Single Family Development, One Street Lot, and One Outlot, initiated by Chayse Holdings, LLC

It was moved by Trevillyan, second by Sandager to adopt Resolution - Approval and Release of Final Plat, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. Only two (2) building permits shall be issued within the Eldorado Estates subdivision until the Plat of Survey to the south of Eldorado Estates is approved and recorded and the Eldorado Point right-of-way within the Plat-of-Survey boundary dedicated to the City of West Des Moines.
2. The City Council granting a waiver from the requirement that public utility easements be located along the side or rear property lines, but instead, the applicant be allowed to be placed along the front property line due to topography and to save existing trees.

Vote 16-078: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(b) Southwoods Plat 2, 5003 EP True Parkway - Subdivide Property into Two Commercial Lots and Two Street Lots, initiated by Kum & Go, LC

March 7, 2016

It was moved by Sandager, second by Messerschmidt to adopt Resolution - Approval and Release of Final Plat, subject to the applicant complying with all applicable City Code requirements.

Vote 16-079: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(c) Sleep Inn, 885 South 51st Street - Construct a 67 Room Hotel, initiated by Woodside Business Park, LLC

It was moved by Sandager, second by Messerschmidt to adopt Resolution - Approval of Site Plan, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. That the required storm water facility maintenance agreement and easement, the ingress/egress easement, and the sanitary sewer easement be executed and submitted to the City prior to receiving a building permit or prior to any public improvements being made to the site, to include public utility construction and footing and foundation permits.

Vote 16-080: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(d) Alluvion DSM08, 550 SE White Crane Road - Approval of Site Plan for Phase 3 Data Center Construction, initiated by Microsoft Corporation

It was moved by Messerschmidt, second by Sandager to adopt Resolution - Approval of Site Plan, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. The applicant acknowledging that all phases collectively will need to abide by the regulations stated City's Noise Ordinance at all times;
2. The applicant taking the necessary measures within the limits of what Microsoft security measures will allow to minimize light pollution on surrounding properties and the area in general; and,
3. The applicant acknowledging and agreeing that any intended modifications to the site which differ from that shown on the final approval stamped site plan drawing packet shall require the review and approval of the City prior to implementation. Said changes may require the submittal and approval of a Minor or Major Modification Permit application, whichever is deemed applicable by staff which shall be reviewed and approved prior to implementation of any changes.

March 7, 2016

4. The applicant making appropriate substitutions for the American Sycamore and Eastern Red Cedar.

Vote 16-081: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(e) Alluvion DSM07, 550 SE White Crane Road - Approval of Site Plan for Phase 4 Data Center Construction, initiated by Microsoft Corporation

It was moved by Trevillyan, second by Messerschmidt to adopt Resolution - Approval of Site Plan, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. The applicant acknowledging that all phases collectively will need to abide by the regulations stated City's Noise Ordinance at all times;
2. The applicant taking the necessary measures within the limits of what Microsoft security measures will allow to minimize light pollution on surrounding properties and the area in general; and,
3. The applicant acknowledging and agreeing that any intended modifications to the site which differ from that shown on the final approval stamped site plan drawing packet shall require the review and approval of the City prior to implementation. Said changes may require the submittal and approval of a Minor or Major Modification Permit application, whichever is deemed applicable by staff which shall be reviewed and approved prior to implementation of any changes.
4. The applicant making appropriate substitutions for the American Sycamore and Eastern Red Cedar.

Vote 16-082: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(f) Amendment to City Code - Title 7 (Public Ways and Property), Chapter 11 (Park Regulations) - Tobacco Free Parks, initiated by the City of West Des Moines

It was moved by Trevillyan, second by Sandager to consider the first reading of the ordinance.

Vote 16-083: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

March 7, 2016

It was moved by Trevillyan, second by Messerschmidt to approve the first reading of the ordinance.

Vote 16-084: Messerschmidt, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 8 - Receive, File and/or Refer: no items

On Item 9 - Other Matters: none

The meeting was adjourned at 6:04 p.m.

Respectfully submitted,

Ryan T. Jacobson, CMC
City Clerk

ATTEST:

Steven K. Gaer, Mayor